

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:17-cr-00149-MR-DLH-3**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RODRIGO CRUZ PEREZ,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Suppress [Doc. 43]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 79]; and the Defendant's Objections to Report and Recommendation [Doc. 82].

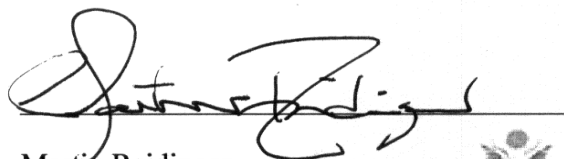
On March 27, 2018, the Honorable Dennis L. Howell, United States Magistrate Judge, conducted an evidentiary hearing on the motion to suppress. On July 27, 2018, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the motion to suppress be granted in part and denied in part. [Doc. 33]. The Defendant timely filed Objections to the Memorandum and Recommendation on August 10, 2018. [Doc. 82].

Upon conducting a *de novo* review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress should be granted in part and denied in part.

**IT IS, THEREFORE, ORDERED** that the Defendant's Objections [Doc. 82] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 79] is **ACCEPTED**; and the Defendant's Motion to Suppress [Doc. 43] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Defendant's Motion to Suppress is **GRANTED** with respect to all statements of the Defendant to officers and the Defendant's action in showing the officers where drugs could be found in the bedroom. In all other respects, the Defendant's Motion to Suppress is **DENIED**.

**IT IS SO ORDERED.**

Signed: August 13, 2018

  
Martin Reidinger  
United States District Judge

